



2863 #

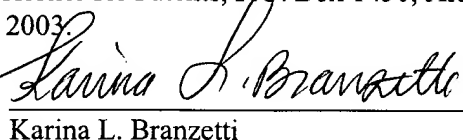
PATENT
Attorney Docket No. MDS-020
(6219/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Costa et al.
SERIAL NO.: 09/738,612 GROUP NO.: 2863
FILING DATE: December 15, 2000 EXAMINER: Michael P. Nghiem
TITLE: System for Normalizing Spectra

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of November, 2003.


Karina L. Branzetti

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

- (1) Transmittal Form (1 pg.);
- (2) Fee Transmittal Form (1 pg.);
- (3) Check in the amount of \$180.00;
- (4) Third Supplemental Information Disclosure Statement (3 pgs.);
- (5) Third Supplemental Form-PTO - 1449 (1 pg.);
- (6) Copies of IDS Citations (A196-A218); and
- (7) Return receipt postcard.

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TRANSMITTAL FORM

Application Serial Number	09/738,612
Filing Date	December 15, 2000
First Named Inventor	Costa
Group Art Unit	2863
Examiner Name	Michael P. Nghiem
Attorney Docket No.	MDS-020 (6219/6)
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)


<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment and Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Third Supplemental Information Disclosure Statement (3 pgs.) <input checked="" type="checkbox"/> Third Supplemental Form PTO-1449 (1 pg.) <input checked="" type="checkbox"/> Copies of IDS Citations (A196-A218)	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

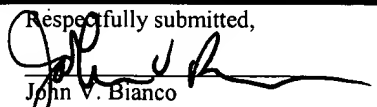
SIGNATURE BLOCK

Respectfully submitted,

John V. Bianco
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
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Date: November 12 2003
Reg. No. 36,748
Tel. No.: (617) 248-7870
Fax No.: (617) 248-7100

 FREE TRANSMITTAL FY 2004	<i>Complete if Known</i>	
	Application Serial Number	09/788,612
	Filing Date	December 15, 2000
	First Named Inventor	Costa
	Group Art Unit	2863
	Examiner Name	Michael P. Nghiem
Attorney Docket No.	MDS-020	

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 TECHNOLOGY CENTER 1800

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																							
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				3. ADDITIONAL FEES																																																																																							
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.				<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>Request for ex parte reexamination</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>420</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>950</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1480</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>2010</td> <td>1005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>290</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td>180.00</td> </tr> <tr> <td>770</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>100</td> <td>100</td> <td>Certificate of Correction for applicant's error</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Submission of Terminal Disclaimer</td> <td></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> </tbody> </table>				Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement	180.00	770	385	Filing a submission after final rejection (37 CFR 1.129(a))		770	385	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		110	55	Submission of Terminal Disclaimer		Other fee (Specify)				Other fee (Specify)			
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CORRESPONDENCE ADDRESS				SIGNATURE BLOCK																																																																																							
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100				Date: November 12, 2003 Reg. No.: 36,748 Tel. No.: (617) 248-7870 Fax No.: (617) 248-7100 Respectfully submitted,  John V. Bianco Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																							



PATENT
Attorney Docket No. MDS-020 (6219/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Costa et al.
SERIAL NO.: 09/738,612 GROUP NO.: 2863
FILING DATE: December 15, 2000 EXAMINER: Michael P. Nghiem
TITLE: System for Normalizing Spectra

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**

- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

In addition, Applicants wish to call to the Examiner's attention Office Actions issued in the following commonly-owned, co-pending patent applications:

- 1) U.S. Serial No. 09/841,325, Attorney Docket No. MDS-009CN, filed on 4/24/01, by Modell et al.;
- 2) U.S. Serial No. 09/591,706, Attorney Docket No. MDS-012, filed on 6/9/00, by Nordstrom et al.;
- 3) U.S. Serial No. 09/738,614, Attorney Docket No. MDS-013A, filed on 12/15/00, by Kaufman et al.;
- 4) U.S. Serial No. 10/068,133, Attorney Docket No. MDS-013AC2, filed on 2/5/02, by Kaufman et al.;
- 5) U.S. Serial No. 09/738,147, Attorney Docket No. MDS-013B, filed on 12/15/00, by Kaufman et al.;
- 6) U.S. Serial No. 10/411,777, Attorney Docket No. MDS-013BC1, filed on 4/11/03, by Kaufman et al.;
- 7) U.S. Serial No. 10/178,772, Attorney Docket No. MDS-014CN, filed on 6/24/02, by Modell et al.;
- 8) U.S. Serial No. 10/122,429, Attorney Docket No. MDS-015CN, filed on 4/12/02, by Nordstrom et al.;
- 9) U.S. Serial No. 09/481,762, Attorney Docket No. MDS-016, filed on 1/11/00, by Modell et al.;
- 10) U.S. Serial No. 10/071,932, Attorney Docket No. MDS-022C1, filed on 2/8/02, by Nordstrom et al.;
- 11) U.S. Serial No. 10/192,820, Attorney Docket No. MDS-028, filed on 7/10/02, by Schomacker et al.;
- 12) U.S. Serial No. 10/099,881, Attorney Docket No. MDS-030, filed on 3/15/02, by Kaufman et al.;
- 13) U.S. Serial No. 10/273,511, Attorney Docket No. MDS-031, filed on 10/18/02, by Clune et al.;
- 14) U.S. Serial No. 10/192,836, Attorney Docket No. MDS-032, filed on 7/10/02, by Zelenchuk;
- 15) U.S. Serial No. 10/243,535, Attorney Docket No. MDS-033, filed on 9/13/02, by Schomacker et al.;
- 16) U.S. Serial No. 10/295,794, Attorney Docket No. MDS-034, filed on 11/15/02, by Schomacker et al.;
- 17) U.S. Serial No. 10/418,922, Attorney Docket No. MDS-035, filed on 4/18/03, by Flewelling et al.;
- 18) U.S. Serial No. 10/418,902, Attorney Docket No. MDS-035A, filed on 4/18/03, by Jiang et al.;
- 19) U.S. Serial No. 10/418,974, Attorney Docket No. MDS-035B, filed on 4/18/03, by Jiang;
- 20) U.S. Serial No. 10/418,668, Attorney Docket No. MDS-035D, filed on 4/18/03, by Costa et al.;
- 21) U.S. Serial No. 10/418,975, Attorney Docket No. MDS-035E, filed on 4/18/03, by Jiang et al.;
- 22) U.S. Serial No. 10/418,415, Attorney Docket No. MDS-035F, filed on 4/18/03, by Schomacker et al.;
- 23) U.S. Serial No. 10/419,181, Attorney Docket No. MDS-035G, filed on 4/18/03, by Jiang et al.; and
- 24) U.S. Serial No. 10/418,973, Attorney Docket No. MDS-035H, filed on 4/18/03, by Schomacker et al.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:


- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: November 12, 2003
Reg. No. 36,748

Tel. No.: (617) 248-7870
Fax No.: (617) 248-7100

2707922

Respectfully submitted,


John V. Bianco
Attorney for Applicants
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110



FORM PTO - 1449 THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: MDS-020 APPLICANT(S): Costa et al. SERIAL NO.: 09/738,612 FILING DATE: December 15, 2000			
U.S. PATENT DOCUMENTS							
EXAM. INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	A196	Des. 242,393	11/16/76	Bauman		06/02/75	
	A197	Des. 242,396	11/16/76	Bauman		05/15/75	
	A198	Des. 242,397	11/16/76	Bauman		05/27/75	
	A199	Des. 242,398	11/16/76	Bauman		06/02/75	
	A200	D 453,832 S	02/19/02	Morrell et al.	D24	138	
	A201	D 453,962 S	02/26/02	Morrell et al.	D24	138	
	A202	D 453,963 S	02/26/02	Morrell et al.	D24	138	
	A203	D 453,964 S	02/26/02	Morrell, et al.	D24	138	
	A204	D 460,821 S	07/23/02	Morrell et al.	D24	138	
	A205	4,646,722	03/03/87	Silverstein et al.	128	4	
	A206	5,101,825	04/07/92	Gravenstein et al.	128	633	
	A207	5,193,525	03/16/93	Silverstein et al.	128	4	
	A208	5,469,853	11/28/95	Law et al.	128	662.06	
	A209	5,496,259	03/05/96	Perkins	600	124	
	A210	5,830,146	11/03/98	Skladnev et al.	600	478	
	A211	5,863,287	01/26/99	Segawa	600	121	
	A212	5,941,834	08/24/99	Skladnev et al.	600	587	
	A213	6,096,065	08/01/00	Crowley	607	88	
	A214	6,099,464	08/08/00	Shimizu et al.	600	104	
	A215	6,124,597	09/26/00	Shehada et al.	250	461.2	
	A216	6,243,601 B1	06/05/01	Wist	600	473	
	A217	6,571,118 B1	05/27/03	Utzing et al.	600	476	
	A218	6,574,502 B2	06/03/03	Hayashi	600	476	
EXAMINER				DATE CONSIDERED			